

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.) JUDGE CARTER
) Mag. No. 1:12-mj-54
NOE MARTINEZ II)
ALBERTO TOP TINA)
SOTERO PAREDES RUIZ)

MEMORANDUM AND ORDER

The previously filed Memorandum and Order (Doc. 23) is hereby WITHDRAWN and this Memorandum and Order shall replace it.

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing was held in this action on February 21, 2012. Those present included:

- (1) AUSA Perry Piper for the United States of America.
- (2) The defendant, NOE MARTINEZ II.
- (3) Attorney Myrlene Marsa for defendant Martinez.
- (4) The defendant, ALBERTO TOP TINA.
- (5) Attorney Aubrey Harper for defendant Tina.
- (6) The defendant, SOTERO PAREDES RUIZ.
- (7) Attorney John Cavett for defendant Ruiz.
- (8) ICE Agent Clint Cantrell.
- (9) Deputy Clerk Kelli Jones.
- (10) Spanish Interpreter Julia Davis.
- (11) Court Reporter Shannan Andrews.

All defendants previously waived their right to a detention hearing at the initial appearance on February 15, 2012, with the understanding that a detention hearing can be held at a later date upon motion.

Preliminary Hearing - Proof

AUSA Piper called Agent Clint Cantrell of the U.S. Immigration and Customs Enforcement (ICE) as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of the Agent Cantrell during the preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 18 U.S.C. § 1546, possessing and using fraudulent immigration documents, committed in the Eastern District of Tennessee.
- (2) There is probable cause to believe the defendants committed the aforesaid offenses.

Conclusions

It is ORDERED:

- (1) All defendants are held to answer the charges against them in the District Court.
- (2) The defendants' next appearance shall be for an arraignment at **10:30 a.m. on Tuesday, March 6, 2012.**

ENTER.

S /William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE